



# **Proposal for Fiordland Marine Regional Pathway Management Plan**

**Under the Biosecurity Act 1993**

**Staff Report: Summary of Submissions**

## **Purpose of Report**

The purpose of this report is to provide the Hearing Panel a summary of the submissions made on the proposal for a Fiordland Marine Regional Pathway Management Plan, and to highlight key issues raised in submissions.

## **About the proposal for a Fiordland Marine Regional Pathway Management Plan**

The proposed plan aims to greatly reduce the risk of marine pests being carried into Fiordland on local and visiting vessels. It establishes clean vessel standards that all vessels entering Fiordland must meet, regardless of their size, as well as clean gear standards. It also proposes a Fiordland Clean Vessel Pass to ensure vessel owners / operators understand and adhere to the standards.

## **Legal and statutory context**

The proposal for a Fiordland Marine Regional Pathway Management Plan has been developed under the Biosecurity Act 1993. The Biosecurity Act establishes six “steps” to make a Regional Pathway Management Plan. Environment Southland completed the first two steps at its meeting on 23 March 2016, but decided that further consultation was required before the third step could be taken. Council resolved this further consultation should occur by publicly notifying the proposal, calling for submissions, and conducting a public hearing.

Seventeen submissions were received, and an opportunity for those people who wish to speak to their submissions is required.

The remaining four steps are:

*Section 92 Third step:* A decision on whether Council is satisfied that sufficient consultation has occurred.

*Section 93 Fourth step:* Council approval of the preparation of a plan, and a decision about the management agency for the plan.

*Section 94 Fifth step:* A decision on whether the prepared plan meets criteria about benefits outweighing costs, who is meeting the costs, availability of funding and appropriateness of the rules.

*Section 95 Sixth step:* Council preparation of a written report on the Plan, including decisions on submissions on the proposal.

At its meeting on 3 August 2016, Environment Southland, under clause 32 of Schedule 7 of the Local Government Act 2002, appointed a Hearing Panel of Maurice Rodway (Chair), Ross Cockburn and Peter Jones for the proposed Fiordland Marine Regional Pathway Management Plan. The Council delegated to the Hearing Panel all the powers, functions and duties of the Council set out in sections 91 to 94 (excluding section 92(5)) and section 95(1) and 95(2) of the Biosecurity Act in relation to the proposed Fiordland Marine Regional Pathway Management Plan. These include the functions and duties of hearing submissions on the proposed Fiordland Marine Regional Pathway Management Plan and of making recommendations to the Council on the Fiordland Marine Regional Pathway Management Plan.

## **Key Issues Arising in Submissions**

### **General support for the proposal**

Thirteen of the 17 submissions expressed general support for the proposal to establish a marine pathway plan for Fiordland, and a number of these highlighted the reasons why they thought it was important to protect Fiordland. One submitter was not supportive of the proposal in its current form, and three submissions did not express support or opposition.

### **National approach**

The proposal notes the work the Ministry for Primary Industries (MPI) is doing to identify Immediate Options for Marine Pathway Management to provide advice to regional councils about a range of interventions available to manage marine pathways. One submitter noted that the Fiordland pathway plan could pave the way for similar plans to be used at other sites around New Zealand. A number of submitters expressed concern that the Plan would not be successful unless it was supported by a national framework.

### **Application of the Plan beyond the inner waters**

The proposal is for the Plan to apply to the Fiordland Marine Area as defined in the Fiordland (Te Moana o Atawhenua) Marine Management Act 1995, which extends 12 nautical miles from the coast. Several submitters sought an amendment to the proposal so that the rules in the Plan do not apply to vessels that are transiting through or operating within the Fiordland Marine Area, but that do not enter the area within two nautical miles of the coast.

### **Rules and measures**

In general, submitters supported the rules and clean vessel and clean gear standards. A number of submitters were of the view that many operators would already meet the standards. An exception was for the clean gear standards, especially for gear that remains within the Fiordland Marine Area of long periods of time. Submitters considered that gear that remains within the area would become fouled, and it would be difficult to prove that it had stayed within the area.

### **Availability of vessel cleaning facilities**

The Plan would require that vessels entering the Fiordland Marine Area have no more than a layer of slime and goose barnacles. Submitters were concerned that it may not be possible to clean vessels at certain times of the year as there are not enough slipping facilities at Bluff or elsewhere in Southland. A number of submitters suggested that Environment Southland should advocate to SouthPort the establishment of a short-stay haul out facility for hull cleaning.

### **Fiordland Clean Vessel Pass**

A Fiordland Clean Vessel Pass is proposed to ensure vessel owners/operators, entering or residing in the Fiordland Marine Area (FMA), declare they will abide by the clean vessel, gear and residual seawater standards. This concept received a mixed reception. Three submitters were against the idea, because it could be costly, it was seen as another hoop to jump through and being a voluntary measure it would be ineffectual. One submitter requested the pass be valid for two years and another submitter was in support.

## **Communications Plan**

It is proposed to develop a Communications Plan. The Communications Plan will set out how to convey the requirements of the Fiordland Marine Pest Pathways Plan to vessel owners/operators, including the need to comply with the clean vessel standards and hold a current Fiordland Clean Vessel Pass. Submitters were in favour of ongoing education and communication of the Fiordland Marine Pest Pathways Plan, but some expressed concern about the ability to reach vessel operators who come from outside of Southland.

## **Compliance and Enforcement**

The proposal is for the Plan to be implemented through voluntary, assisted and directed compliance followed by enforcement where those breaching the rules can be fined (\$15,000 for a corporation and \$5,000 for an individual). There were three submissions on this point but no specific decisions requested. Concerns related to the cost of enforcement and the need for implementation of the Plan to be supported by an effective compliance regime.

**Table 1: Full summary of submissions**

| Sub. number             | Submitter  | Summary of Submission  | Decision requested                       |
|-------------------------|--|--|--|
| <b>General comments</b> |  |  |  |
| 2/1                     | Southland Conservation Board                           | The Southland Conservation Board (the Board) is generally very supportive of the Fiordland Marine Pathway plan. The Board agrees with the Fiordland Guardians that the Fiords are a very special place and that the unique ecosystems and biodiversity needs to be given maximum protection from the incursion of exotic marine organisms. The Marine Pathway plan appears to give this protection.  | Support. No specific decision requested. |
| 3/1, 4/1                | Manapouri Doubtful Sound User Group, Real Journeys Ltd | The MDSU and Real Journeys Ltd concurs with the Fiordland Guardians that coastal Fiordland are a very special place with many unique ecosystems with significant biodiversity which needs to be given the greatest protection from the incursion of exotic marine organisms. Accordingly, the MDSU and Real Journeys Ltd are generally very supportive of this proposed Fiordland Marine Pathway Management Plan.  | Support. No specific decision requested. |
| 5/1                     | Dr Kirsten Rodgers                                     | Supportive of the justification and need for a Fiordland Marine Pathways Plan. Agreement with the planned proposal, objectives and rules.  | Support. No specific decision requested. |
| 6/1                     | Alan F Mark  | I agree a Fiordland Marine area plan is a good idea. The proposal as now presented has been thoroughly researched and I agree it is likely to provide the best option of keeping the FMA pest-free into the long-term future. The Undaria removal exercise, which I understand is on the brink of success, has demonstrated the challenge (expense and logistics) to the management agencies posed by an exotic incursion. I wish the combined agencies every success with the implementation of this proposal.  | Support. No specific decision requested. |
| 7/1                     | Kate James   | I agree a Fiordland Marine Area plan is a good idea. I believe implementing this plan is the best way to reduce the risk of marine pests being carried in on local and visiting vessels. We need a plan because Fiordland is such a unique and special place I believe it is very important to try and protect this area from the potentially harmful effects of marine invasive species.  | Support. No specific decision requested. |
| 8/1                     | Ministry for Primary Industries                        | While being a key contributor to the development of this proposal, the Ministry wishes to express our overall support for the proposal. If adopted, the plan will contribute to the protection of Fiordland's biodiversity and economic values and it will support wider national objectives to reduce the spread and impacts of marine pests.<br><br>The Ministry also considers the proposal meets the requirements of the National Policy Direction and guidance material to the extent that is necessary for a pathways plan, with minor exceptions. | Support. No specific decision requested. |

| Sub. number | Submitter                  | Summary of Submission   | Decision requested                       |
|-------------|----------------------------|---|--|
| 9/1         | Northland Regional Council | <p>The Northland Regional Council shares the concern that marine pests may be spread into Fiordland and elsewhere throughout New Zealand. The Northland Regional Pest Management Plan sets out rules preventing the spread of marine pests and more recently have begun a process to establish a marine pest Pathways Plan in a similar fashion to the Southland partnership proposal.</p> <p>We acknowledge that the Fiordland Marine Pathway Plan is relevant to all vessels which may reside in Northland or are transiting via customs clearance ports with the intention of visiting Fiordland. We believe the proposal will contribute to a wider understanding of the need to keep all vessel hulls and associated marine gear clean.</p> <p>The Southland partnership proposal sets out very clearly in our view why a pathways plan is required and proposes a minimum, attainable standard which is underpinned by a sound economic analysis of the costs and benefits.</p>   | Support. No specific decision requested. |
| 10/1        | PauaMac 5 Incorporated     | <p>Fiordland is an important harvesting area, comprising around 45% of the catch taken by PauaMAC 5 members and nearly 15% of New Zealand's total harvest. The health of the paua fishery depends on maintaining and protecting the relatively pest-free status of the Fiordland Marine Area.</p> <p>The commercial paua industry endorses the concept of a Fiordland Marine Pathway Plan. It makes sense to prevent marine pests from reaching Fiordland in the first place, rather than responding only after a pest incursion has been detected.</p> <p>PauaMAC 5 supports the standards-based approach and the proposed Te Ao Marama Incorporated Fiordland Clean Vessel Pass.</p>  | Support. No specific decision requested. |
| 11/1        | Te Ao Marama Incorporated  | <p>Fiordland is of great cultural significance to Ngāi Tahu whānui, this is shown in the Ngāi Tahu Claims Settlement Act (1998) in particular the Statutory Acknowledgements, Tōpuni and Nohoanga that are situated within the area. Fiordland is also of great importance to all of New Zealanders with its breathtaking scenery and pristine waters. We recognise that the introduction of pest marine plants to this area could be detrimental specifically for the ecological hauora (wellbeing) of Fiordland.</p> <p>We support the implementation of the Fiordland Marine Pathways Plan to effectively manage vessels entering the area. This plan will benefit ours and others values by reducing the ability for pest plants to enter the area by providing clean vessel standards. We praise the Council and other parties in this proactive approach to regulate pest establishment in Fiordland. We appreciate the opportunity to voice our support for this plan and to have further consultation throughout the process.</p> | Support. No specific decision requested. |

| Sub. number | Submitter                               | Summary of Submission   | Decision requested                       |
|-------------|---|---|--|
| 12/1        | Island Escape Cruises Ltd (IECL)        | IECL wholeheartedly supports the concept of the proposed Plan. It is IECL policy to do everything possible to protect the natural Fiordland environment, and this initiative does just that. We currently operate biosecurity procedures under our existing resource consent, and have advised Environment Southland that we intend to comply with the Fiordland Marine Pathway procedures as a matter of course, for this consent and all new consents we apply for.   | Support. No specific decision requested. |
| 13/1        | Urwin and Company Ltd                   | <p>Urwin and Company's vessels have been actively fishing in the Fiordland area since the 19th century. Currently we have 4 vessels based in Bluff and we are associated with 6 independent cray catching vessels fishing our cray quota in the Fiordland Marine area.</p> <p>We observe that terrestrial national parks enhance the adjoining marine environment and realise isolated areas are becoming more accessible and are therefore under increasing pressure through human interaction.</p>  | No specific decision requested.          |
| 14/1        | Blue Cod Area 5 Association Inc. (BCO5) | BCO5 does not support the concept of the proposed Plan, in its present form. As with cray fishermen, the BCO5 industry is likely to be a sector of the commercial fishing industry that has more vessel movements in and out of the Fiordland Marine Area (FMA) than most others. As such it is a sector which is most likely to be affected by the Plan.   | Oppose. No specific decision requested.  |
| 15/1        | CRA8 Management Committee Inc.          | <p>The Committee supports the concept of the proposed Plan. The CRA8 industry is likely to be the sector of the commercial fishing industry that has more vessel movements in and out of the Fiordland Marine Area (FMA) than any other. As such it is also the sector most likely to be affected by the Plan.</p> <p>The FMA is so far untouched by any of the known introduced marine pests, except for <i>Undaria</i> in Sunday Cove, Breaksea Sound. This is also in spite of the fact that <i>Undaria</i> is rife in Bluff Harbour and around mooring areas at Stewart Island. This demonstrates a level of care that is already being taken.</p> <p>In the absence of any eradication programme the industry is very supportive of the MPI marine pest surveillance programme that has operated for a number of years in Bluff Harbour and Stewart Island and hopes to see it continue.</p> | Support. No specific decision requested. |

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| 16/1                     | Southern Inshore Fisheries Management Company Ltd (Southern Inshore) and NZ Federation of Commercial Fishermen (NZFCF) | <p>We respect that the inner Fiordland marine environment is iconic and unique and measures need to be taken to ensure the security of its significance within the NZ marine landscape through biosecurity threat management. However, the development of any strategy needs to be pragmatic, achievable and not cause unnecessary economic impact on existing users.</p> <p>New Zealand's marine environment is regulated jointly by Ministry for Primary Industries, Maritime New Zealand, regional councils and the Environment Protection Authority. Commercial fishing vessel operators are already required to comply with a significant number of rules and regulations, codes of practice and plans of action that relate to New Zealand's recognition of international instruments for UNC law of the sea, marine pollution and vessel waste, biosecurity, food safety, maritime safety and certification, fisheries laws, protected species mitigation just to name a few.</p> <p>The discharge of ballast water and carriage of biofouling are the two most important pathways recognised by the fishing industry where harmful marine organisms may enter New Zealand. Overseas vessels have a number of restrictions already placed on them, but we recognise that it is the transport of bio-organisms between regions that is causing the current pathway concern for Fiordland. It is not dissimilar to those of the Top of the South Marine Biosecurity Partnership who are monitoring the fishing industry vessels already.</p> <p>The pathway management plan would provide a statutory basis for minimising the risk of vessels transporting marine pest into the Fiordland Marine Area (FMA), otherwise it would remain voluntary with a potential high risk to the biosecurity.</p> | No specific decision requested.          |
| 17/1                     | Ngāi Tahu Seafood (NTS)  | In principle we support the proposal for a Fiordland Marine Management Plan to minimise the risk of marine pests being transported into the FMA.  | Support. No specific decision requested. |
| <b>National approach</b> |  |   |  |
| 3/2, 4/2                 | Manapouri Doubtful Sound User Group, Real Journeys Ltd   | For the proposed Fiordland Marine Pathway Management Plan to be successful it cannot exist in isolation. It needs to be part of a national framework to ensure vessels are targeted before they leave the ports outside the area and travel to Fiordland. Hence Environment Southland needs to continue to lobby Central Government to advocate for such a national framework as part of the development of the Fiordland Marine Pathway Management Plan.   | No specific decision requested.          |
| 7/2                      | Kate James   | As well as managing the risks from marine invasive species this plan will raise awareness of this issue. Success in implementing this plan could pave the way for similar plans/protection to be used at other sites around New Zealand. This is a commendable step towards managing the very complex and difficult issues surrounding the introduction of marine invasive species.   | Support. No specific decision requested. |



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|----------------------------------|--|---|---|
| 9/2                              | Northland Regional Council                             | It is without doubt that the introduction of marine pests to New Zealand will continue and certain species have the potential to cause significant and lasting effects on New Zealand's finest marine habitats. We believe there is an opportunity for regional councils to play a part in helping reduce this risk of marine pest transfer and the proposal for a Fiordland Marine Pathway Plan is evidence of a well-considered initiative that will set a new and urgently needed standard for New Zealand craft.  | Support. No specific decision requested.  |
| <b>The Plan's proposed rules</b> |  |   |   |
| <b>General comments</b>          |  |   |   |
| 3/3, 4/3                         | Manapouri Doubtful Sound User Group, Real Journeys Ltd | Included in the Plan are recommendations for owners and operators of vessels and gear, including cruise liners, commercial Paua and cray fishers, commercial tourism operators, and recreational yachts and launches. It includes those who use trailers to transport boats and gear to Milford Sound or Deep Cove, and people delivered by helicopter for remote diving, fishing and hunting. However to achieve the objective of maintaining Fiordland's unique biodiversity, all users of the marine environment need to understand their roles and responsibilities in its protection.  | Ensure all users of the marine environment understand their roles and responsibilities in its protection. |
| 6/2                              | Alan F Mark  | The proposed rules are the best way to manage the risk of marine pests. Again, they clarify the details of this challenging exercise and are available for reference if and when needed.  | Support. No specific decision requested.  |
| 7/3                              | Kate James   | The proposed rules are the best way to manage the risk of marine pests because without the option to completely exclude vessels from entering this area, this type of vector management is the only feasible way to reduce the risk of introducing marine invasive species.   | Support. No specific decision requested.  |
| <b>Proposed Rule 1</b>           |  |   |   |
| <b>General comments</b>          |  |   |   |
| 10/2                             | PauaMac 5 Incorporated                                 | We are pleased that the standards will apply to all vessels entering the Fiordland Marine Area, including recreational vessels, vessels (including fishing vessels) from regions other than Southland, and cruise ships.<br><br>PauaMAC 5 expects that the paua industry will be able to comply with the proposed standards without significant change to existing practices. Many paua dive crews use small, trailered vessels that are cleaned between fishing trips. Larger vessels kept in the water are cleaned regularly and should be able to meet the required standard of "no more than a slime layer and goose barnacles". Tenders, diving gear and associated equipment are kept visibly clean and free of fouling and sediment. Where vessels have residual seawater (e.g., live wells), they are kept visibly clean and free of sediment, not least to meet European export standard requirements. | Support. No specific decision requested.  |

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| <b>Clean vessel standard</b> |                                |  |  |
| 1/1                          | Carey McIvor and Hayley Nelson | <p>We are commercial fishers. We often run vessels through Fiordland, but consider ourselves no threat whatsoever to the marine environment. This goes for every single vessel which is under survey within the Maritime New Zealand Survey system, be it a commercial fishing vessel, or tourist vessel.</p> <p>As part of being a vessel under the New Zealand survey system, it is a requirement that the vessel come out of the water every two years. This is for hull and sea valve checks, and also for checks on the shaft and its rudder gear, which includes the seals. This ensures that every two years the vessel gets proper out of water cleaning and has new anti-fouling applied to the hull.</p>   | No specific decision requested.          |
| 9/3                          | Northland Regional Council     | There is no doubt that marine pests could be transported as part of this fouling and the concept of a clean vessel standard is one our council supports. The standard expected in this rule is not onerous in our view and can be attained as part of regular and timely hull maintenance. In addition the standard mirrors the requirements for international visiting ships under the International Maritime organisation's guidelines for the control and management of ships' biofouling.  | Support. No specific decision requested. |
| 13/2                         | Urwin and Company Ltd          | The key point in the plan is the heightened vessel maintenance standard for a clean hull. We note that during warmer months Undaria infestations on hulls accelerate rapidly and a cost effective slipping solution is lacking in Bluff.   | No specific decision requested.          |
| 15/2                         | CRA8 Management Committee Inc. | The proposed standards for hull cleanliness represent a level that should be achievable by vessel owners/operators who currently have a regular maintenance programme. Hull fouling on vessels is uneconomic and this results in periodic hull cleaning that limits the opportunity for fouling above the proposed acceptable level to occur. This necessitates the removal of the vessel from the water up to three times a year for hull cleaning and application of antifouling. It should be noted that to do this at Bluff Harbour, where the South Port syncrolift is used, costs in the vicinity of \$1000 each time.   | No specific decision requested.          |
| 16/2                         | Southern Inshore and NZFCF     | <p>Commercial fishing vessels operate under strict survey and operational requirements by Maritime New Zealand, where vessel hull biofouling is, at present, only a voluntary advisory requirement. However, it is recognised by many in the industry that biofouling reduces hull drag and reduces fuel consumption and hull cleaning is therefore already adopted by the majority of the inshore fishing fleet.</p> <p>Many vessels operating in the FMA, which are domiciled in the FMA or Bluff region, will not be greatly impacted by the Rules. For vessels that are infrequent operators on the west coast South Island and come from areas other than Nelson and Canterbury, there would be a reasonable expectation that their vessel should be cleaned to the minimal requirement of slime and goose barnacles.</p> | No specific decision requested.          |
| 17/2                         | NTS                            | NTS is supportive of the Clean Vessel Standard and does not view this as an issue given our contracted fishermen already maintain a clean hull for a number of reasons but in particular, as a result of MPI monthly hull inspections of vessels in Bluff.   | Support. No specific decision requested. |

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| <b>Clean gear standard</b> |                                |   |   |
| 13/3                       | Urwin and Company Ltd          | <p>Clean gear requirements do not appear to be an insurmountable problem and the dissemination of information to the vessel skipper would best provide a solution to meeting the obligations the plan requires.</p> <p>Clean Gear<br/>We support the concept of maintaining gear cleaning free of pest fouling. Making sure that the ropes, buoys, lines, pots and ancillary equipment is out of the salt water habitat for a 72 hour period is a pragmatic and more comprehensive alternative than a chemical clean.</p>   | Support. No specific decision requested.  |
| 14/2                       | BCO5                           | Pots that are “stashed” in the water in Fiordland might have fouling on them, but this is not a problem as the fouling is natural to the area. However, these pots would not pass the “clean gear” certificate requirements. This is common practice for cod and cray pots, and needs to be sorted out before the proposal is imposed.  | The Plan needs to address pots which are “stashed” in the water in Fiordland that might have fouling on them, but which is not a problem as the fouling is natural to the area. However, these pots would not pass the “clean gear” certificate requirements. |
| 15/3                       | CRA8 Management Committee Inc. | <p>The types of fishing gear that are likely to pose most risk as a vector are cod pots and rock lobster holding pots that are dropped off in Bluff Harbour or at Stewart Island for periods of time that allow for spores to settle or plants to germinate.</p> <p>It is common practice for blue cod fishermen to drop their pots off their vessel in these areas as a matter of convenience. For example, if the operator intends carrying out work on their vessel and requires a clear deck, or if he does not intend using the pots for a period of time. It is not possible to unload pots at the finger berths at Bluff Harbour. At Stewart Island vessels at moored. So the easiest way to remove the pots from the vessel in both instances is to simply drop them off in a safe place.</p> <p>Rock lobster holding pots are used in these areas for the storage of lobsters prior to them being landed and sold to processors. This occurs at particular times of the year. At other times these pots may be uplifted and used in the FMA. Clearly moving these pots to the FMA immediately after retrieving them is a risk.</p> <p>Rock lobster catching pots can be considered to be low risk. In many cases once these pots are taken to the FMA they never return. Some fishermen do bring their pots home at the end of their fishing season and in these cases they are stored ashore and will dry out. This is the same situation for pots that are</p> | No specific decision requested.   |

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|                        |                                | brought home for maintenance.  |   |
| 9/4                    | Northland Regional Council     | Northland Regional Council also supports the proposal to extend the requirement to marine gear and residual seawater as these are known to providing a potential pathway for marine pests.   | Extend the requirement to marine gear and residual seawater.  |
| 16/3                   | Southern Inshore and NZFCF     | For vessels that are based in the Bluff region and coming around to work in the FMA it is observed that cod pots should be clean before transporting especially if they have been stored in the shallow depths of the harbour or on the coast, and not on land where they would have had a period of drying out and therefore killing any bio-organisms.   | No specific decision requested.   |
| 14/3                   | BCO5                           | The area defined as Fiordland Coastal waters extends 12 nautical miles out to sea. This is too far. We prefer the definition of “Inland waterways of Fiordland” in the Regional Coastal Plan, which extends 2 km out to sea.   | The definition of “Inland waterways of Fiordland” in the Regional Coastal Plan, which extends 2 km out to sea is preferred. |
| 15/4                   | CRA8 Management Committee Inc. | <p>Deep water fishing vessels are subject to a different hull cleanliness regime than inshore vessels. This means that over time the level of fouling, particularly in niche areas of the hull, would not meet the proposed standards.</p> <p>However this situation needs to be viewed in the context that very few of these vessels ever enter the fiords. Instead the only time these vessels are in the FMA is when they are transiting through the area. Or if they have to enter the fiords in an emergency situation - for which the Plan provides an exception to the required standards.</p> <p>Area of FMA of Most Concern<br/>The Committee submits that while the proposed Plan applies to the whole of the FMA, consideration be given to areas within the FMA that are most at risk, and therefore where the focus on the risks from vessels will occur. Effectively this is within the fiords. The Committee encourages that some clear statements in relation to transiting vessels be made.</p> | The Committee encourages that some clear statements in relation to transiting vessels be made.                              |
| <b>Proposed Rule 2</b> |                                |  |   |
| 9/5                    | Northland Regional Council     | The Northland Regional Council supports owners of craft keeping records of the actions taken to ensure their craft meets the clean vessel, gear and residual water standards. This should not be an onerous task and provides the council with retrieval evidence of the actions taken in respect of Rule 1. The costs of monitoring and compliance will be a part of implementing this rule and we would expect that monitoring and compliance to be a valuable part in changing vessel owners behaviours as it would be in a Northland Pathway Plan proposal.  | Support. No specific decision requested.  |

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| 17/3   | NTS                        | <p>NTS is of the view that this rule will be impractical for commercial fishers and other vessel owner/operators and will present challenges in terms of their ability to maintain credible records to prove they have complied with the clean gear and residual water standards. An example would be an inspection of a commercial fishermen who has fishing gear i.e. pots, rope and buoys that have remained within the FMA for an extended period which has become fouled.</p> <p>This fishing gear would no longer meet the clean gear standard. It would be extremely difficult for these operators to provide documentation to prove the gear meet the clean standards prior to entering the FMA, that it had not left the FMA and had in fact become fouled within the FMA. This is a similar situation that could occur to “vessels residing in the FMA for extended periods”.</p>  | No specific decision requested.   |
| <b>Proposed Rule 3</b>                               |                            |  |   |
| 9/6  | Northland Regional Council | The Northland Regional Council agrees that exemptions to rules may be required in the event of an emergency and where craft safety or the health and safety of persons on the craft are in jeopardy.   | Support. No specific decision requested.  |
| 16/4   | Southern Inshore and NZFCF | Should a vessel want to enter the inner FMA within the Fiords then it is an acceptable request that the hull be cleaned to the proposed standard. The exception to this rule is the allowance for vessels to shelter from adverse weather for a minimal period and not allow fishing gear to remain in the water or cleaned on board.  | No specific decision requested.   |
| <b>Application of the Plan outside inland waters</b> |                            |  |   |
| 16/5   | Southern Inshore and NZFCF | <p>The main issue that concerns us, is the Rule relating to the vessel cleanliness to be able to operate within the FMA. Many inshore vessels operate throughout the FMA using trawl, longline and setnet fishing methods.</p> <p>Vessels coming from Nelson and Canterbury to work the west coast fisheries that extend into the FMA will be most affected. It is inconceivable for vessels to be expected to be taken out of the water prior to entering the FMA. We understand the risks of transporting bio-organisms between regions but these vessels operate in a volatile oceanographic environment in depths that would not be greatly impacted by other biofouling organisms present on the west coast. We respect that the inner FMA is the area of concern as the settling of bio-organisms would have the greatest impact.</p> <p>We would like to see an exception to the Rule that allows a buffer from the coast out to the 12Nm that would allow vessels to operate without the requirement for the minimal slime and goose barnacles currently being proposed. A buffer area from the coast to 1Nm offshore would allow for vessels to operate efficiently beyond this to the 12Nm without causing a high degree of concern. It would maximise the protection within the buffer and into the inner Fiordland area.</p> | That a buffer zone be introduced from the coast to 1Nm offshore allowing vessels to operate in the outer safe zone (from the buffer zone to the 12Nm limit) without the minimal requirement of slime and goose barnacles. |

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|-----------------------------|--------------------------------|---|---|
|                             |                                | <p>Should a vessel want to enter the inner FMA within the Fiords then it is an acceptable request that the hull be cleaned to the proposed standard.</p> <p>Of further concern is the use of fishing gear and associated ropes, anchors etc. within the FMA. They should still be able to be used without having to be cleaned prior to entry to the outer FMA when operating in the safe zone beyond the buffer zone. This provision should be aligned with the request above for vessel biofouling.</p>   |   |
| 17/4                        | NTS                            | <p>NTS views the 12 nautical miles to which the proposed Fiordland Marine Pathway would extend, as excessive which could potentially endanger transiting vessels, particularly those up to 12m or 24m. The skipper of a vessel this size only needs to hold a Maritime New Zealand license, Skipper Restricted Limits (or 24 metres with further endorsement) which allows them to operate for up to 12 nautical miles off shore. The risk is if the vessel did not comply with any of the three Fiordland Marine Pathway rules, it would not be permitted to enter the FMA, nor would the skipper be legally able to go beyond the 12 nautical mile limit to avoid the FMA. Therefore the distance of 12 nautical miles would limit the skipper's choices to responsibly and safely navigate around or through the FMA. NTS recommends the 12 nautical mile limit be revised to allow any transiting vessels to pass through the FMA at a distance that would not pose a risk to Fiordland's biosecurity while providing safe passage for the vessel and crew.</p> | <p>NTS recommends the 12 nautical mile limit be revised to allow any transiting vessels to pass through the FMA at a distance that would not pose a risk to Fiordland's biosecurity while providing safe passage for the vessel and crew.</p> |
| <b>Bilge water standard</b> |                                |   |   |
| 13/4                        | Urwin and Company Ltd          | <p>Bilge water containment ideas expressed in the plan are not at all practical and are potentially dangerous. Workable solutions are in the interest of both vessel owners and Environment Southland. Environment Southlands plan hinges on vessel owners "doing the right thing. Buy-in to the plan is only going to occur if solutions are simple and the benefit flows to both parties.</p>   | <p>No specific decision requested.</p>  |
| 14/4                        | BCO5                           | <p>The bilge water code of practice could pose problems, as it is not a regulatory requirement, and most vessels have automatic float switches which discharge bilge whenever a safety threshold is reached. This issue of safety versus biosecurity should be sorted out.</p>  | <p>The issue of safety versus biosecurity should be sorted out.</p>   |
| 15/5                        | CRA8 Management Committee Inc. | <p>The Committee notes that these proposals form a Code of Practice, which unlike the hull cleanliness standards will not have legal standing.</p> <p>In most instances the proposals will be able to be met. However it must be recognised that all vessels have automatic float switches in their bilge areas which turn on and discharge bilge water when it reaches a level that activates the switch. This is a matter of safety. As such the proposal that bilge water must be discharged into the same body of water (fiord) as it originated from will not always be met. It is very likely that bilge water will originate from a number of sources (fiords) over time before the automatic float switch activates.</p>  | <p>No specific decision requested.</p>  |

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| 16/6  | Southern Inshore and NZFCF   | In addition to the clean vessel pass we would also encourage vessel operators to conform to a bilge water code of practice to ensure that bilge water is not pumped out in the Fiords but is released some distance away from the tidal influences of the Fiords.  | Vessel operators should be encouraged to conform to a bilge water code of practice to ensure that bilge water is not pumped out in the Fiords but is released some distance away from the tidal influences of the Fiords.                                     |
| <b>Availability of vessel cleaning facilities</b> |                              |  |   |
| 2/2   | Southland Conservation Board | The Board is concerned that there does not appear to be enough resources being allocated to allow for the speedy inspection and removal of unwanted organisms from vessels wanting to enter the Fiordland Marine Area. Vessels that have to wait may well be tempted to enter the FMA without the required certification.  | No specific decision requested.   |
| 13/5  | Urwin and Company Ltd        | <p>Environment Southland is a significant shareholder in Southport and Bluff has the closest slipping facility to Fiordland. The cost to Environment Southland, cleaning up after an Undaria infestation is already known. It is financially in their interest to keep marine pests out of Fiordland. Discounting the slip to meet the Plan requirements is the lesser cost.</p> <p>Environment Southland as a 66% shareholder ought to be able to influence South Ports company's board in aligning the Pathways Plan "Clean Hull" aspiration in the provisioning a cost effective haul out service to vessels wishing to enter Fiordland. Southport's vessel Synchro Lift is a modern facility and has the best ability to cater for efficient and effective vessel hull cleaning.</p> <p>Access and Cost to Slip at South Ports Synchro lift<br/>The current issue is the South Port haul out facility at the Synchro lift is not user friendly in respect of meeting the obligations imposed by the Pathways Plan. The charging regime is a disincentive and a financial burden to fast turnaround hull cleaning. Access to all vessels can be blocked for up to 5 weeks by South Port tug maintenance.</p> <p>Creative thinking is required:</p> <ul style="list-style-type: none"> <li>• for instance by providing Fiordland bound vessels a one day lift out rate for a clean and hull paint. Addresses the quick response required when Undaria grows very rapidly and an infestation suddenly occurs.</li> <li>• provision of a one day haul out point, when the tugs are blocking slip access for extended periods</li> <li>• locating an alternative area on the Bluff waterfront foreshore where some temporary mechanism</li> </ul> | In meeting the clean hull aspirations, the provision of cost effective, fast turn around and accessibility to a specific area to meet the requirements of Fiordland Pathways Plan is in the best interest of all parties, particularly Environment Southland. |

| Sub. number | Submitter                      | Summary of Submission   | Decision requested  |
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|             |                                | <p>could be facilitate antifouling and painting</p> <p>Cost<br/>I note from our accounts payable records that in December 2015 the 12 hour cost to have our 14 meters vessel the Nimbus cleaned and painted prior to its Fiordland fishing trip cost \$518 in slip fees.</p> <p>The paint material charge per slipping is \$350. Labour and overheads have not been included. We paint our cray vessels twice a year. In meeting the clean hull aspirations, the provision of cost effective, fast turn around and accessibility to a specific area to meet the requirements of Fiordland Pathways Plan is in the best interest of all parties, particularly Environment Southland.</p>   |   |
| 14/5        | BCO5                           | <p>There is simply not enough slipway-space at Bluff Harbour for all our vessels to meet the standards for hull cleaning, all the time. This is a potential logistic bottle-neck which needs to be overcome if these standards are to be consistently met.</p>  | <p>More slipway space at Bluff Harbour needs to be provided for vessels to meet the clean hull standards of the Plan.</p>   |
| 15/6        | CRA8 Management Committee Inc. | <p>The costs for removing a vessel via the South Port syncrolift are considerable. Other facilities have similar costs. Vessels of many types that travel to the FMA are either domiciled at Bluff or stay for various periods of time.</p> <p>As Environment Southland is a significant shareholder in South Port, the Committee submits that Environment Southland advocates for the establishment of a short-stay haul out facility for hull cleaning. The provision of such a facility - at a reasonable cost - will provide a practical means of reducing the risk of marine pests reaching the FMA. This could be used by any vessel, including those from more northern areas prior to their departure for the FMA.</p>  | <p>A short-stay haul out facility for hull cleaning needs to be provided - at a reasonable cost - as a practical means of reducing the risk of marine pests reaching the FMA.</p> |
| 17/5        | NTS                            | <p>One particular issue is the availability of slips for vessel owners/operators, not only in Bluff but other areas throughout New Zealand, to put their vessels on the hard to ensure their vessel meets the Clean Vessel Standard prior to entering the FMA. For example if a syncrolift is unavailable for an extended period, it could result in vessel owners/operators being unable to take advantage of weather and/or economic opportunities resulting in significant economic loss. This potential loss could be deemed to be too high and the vessel owner may decide to proceed to enter into the FMA and potentially compromise the FMA biosecurity.</p> <p>NTS suggests Environment Southland, as a major shareholder of Southport, ensures where possible, priority slip access for vessels to undertake the work required to meet Clean Vessel Standard. Alternatively they could provide a designated area for vessels to only undertake work required in order to meet the Clean Vessel Standard. NTS believes this would maximise the opportunity for vessel owners/operators to comply with this standard and minimise the risk of compromising economic opportunities for vessel owners and operators, and the FMA biosecurity.</p> | <p>Suggests there is priority slip access for vessels to undertake the work required to meet Clean Vessel Standard or a designated area for this.</p>                             |



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| <b>Fiordland clean vessel pass</b> |                                |  |   |
| 1/2                                | Carey McIvor and Hayley Nelson | <p>We consider that every vessel which is in the New Zealand survey system through Maritime New Zealand should automatically comply with the "Fiordland Clean Vessel Pass" as it will always be compliant with any of the requirements. It would be a very easy process for anyone who is conducting checks on vessels in Fiordland to simply check the vessel's name and registration number against the full list of vessels surveyed in New Zealand, as obtained through Maritime New Zealand. If the vessel is on the list as being under current survey, there should be no need to board the vessel at all. It would save time and money for both parties.</p> <p>No matter the perceptions that people have of commercial fishers, most of us do take pride in our vessels. We feel to ask us to have to obtain a pass every year is just another hoop we have to jump through when we feel we are not really the ones who are going to spread any marine pests. With the amount of out of water cleaning our boats go through, it is just an impossibility. We feel the fight to keep Fiordland Clean should rather focus on vessels who are not regularly maintained.</p> | Oppose. No specific decision requested.   |
| 5/2                                | Dr Kirsten Rodgers             | Disagreement with proposal: Voluntary measures are not adequate. To effectively minimize risk of costly incursions of marine pests it is necessary that the proposed Fiordland Clean Vessel Pass is a legislated mandatory requirement for vessels entering the FMA.   | To effectively minimise risk of costly incursions of marine pests it is necessary that the proposed Fiordland Clean Vessel Pass is a legislated mandatory requirement for vessels entering the FMA. |
| 14/6                               | BCO5                           | BCO5 cannot support the concept until Environment Southland provides a written undertaking that charges for "clean-vessel passes" will never be imposed on recipients. We are very aware of local government cost-recovery policies, and we note that there is a cost to Council of issuing these passes. We would not accept charges for these passes being introduced some time later, once we had agreed to their introduction.   | Oppose. Request Environment Southland provides a written undertaking that charges for "clean-vessel passes" will never be imposed on recipients.  |
| 15/7                               | CRA8 Management Committee Inc. | At present it is proposed that the Clean Vessel Pass would have a duration of one year. The Committee submits that a longer duration of two, or even five years should be considered. The Committee does note that obtaining a Clean Vessel Pass will not be a legal requirement but should be encouraged.   | A duration of two, or even five years for the Clean Vessel Pass should be considered.   |
| 16/7                               | Southern Inshore and NZFCF     | For those vessels that frequent the area and work within the FMA limits on a consistent or seasonal basis we see no reason why they should not comply with the clean vessel pass requirements. We would encourage fishers to obtain the pass which would complement their compliance record and reduce the need for continual vessel checking.   | Support. No specific decision requested.  |

| Sub. number                | Submitter  | Summary of Submission  | Decision requested              |
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| <b>Communications plan</b> |  |  |                                 |
| 2/3                        | Southland Conservation Board                           | Engagement with the boating public through multiple means is the most important way of getting public 'buy in' in blocking the pathway of exotic marine pests into the Fiordland Marine Area.  | No specific decision requested. |
| 3/4, 4/4                   | Manapouri Doubtful Sound User Group, Real Journeys Ltd | <p>For this Plan to be effective, the relevant agencies and the Fiordland Marine Guardians will need to engage with all stakeholders, users and potential users of the Fiordland coastal area to seek their support for and compliance with the proposed measures and importantly motivate them to change their practices. Of particular importance is the need to engage and educate a very large constituency because the Fiordland coastal marine area is visited by not only Southlanders but people from all parts of New Zealand and international yachts which can arrive directly from Australia.</p> <p>We have seen other examples where of similar initiatives to protect the environment are under resourced resulting in limited measures being maintained which typically only ensures the compliance of responsible boat owners. For instance, Department of Conservation Marine Mammal (&amp; other Wildlife) Code of Management for Doubtful Sound was never adequately resourced and as a result the COM is largely ignored by private boaties mainly due to ignorance and lack on enforcement measures.</p> <p>We do not want to see the tokenism of plastering more signage at boat launching sites to advise the public of their responsibilities because this it is too late as parties can already be carrying gear which is contaminated and nearly every boat ramp in New Zealand is over signed with so much clutter nobody bothers to read.</p> | No specific decision requested. |
| 6/3                        | Alan F Mark  | Publicity and education will be important aspects of the successful implementation of this Management Plan and I am confident this will be successful.   | No specific decision requested. |
| 9/7                        | Northland Regional Council                             | Northland is a receiving port for vessels which trade throughout New Zealand and overseas. The region also manages two customs clearance ports at Opuia and Marsden Cove and more than 400 recreational yachts which travel to NZ from overseas are cleared through these ports each year. New to New Zealand marine species are commonly found at these ports and recorded by MPI as part of the high risk port survey throughout New Zealand. Many of these species are able to be transported as part of hull bio-fouling and vessels capable of transits around New Zealand leave from Northland with the intention of trade via multiple harbours or on recreational and scientific voyages to remote marine habitats such as Fiordland.  | No specific decision requested. |

| Sub. number                              | Submitter  | Summary of Submission  | Decision requested  |
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| 2/4                                      | Southland Conservation Board                           | <p>The Board is concerned that there is not comprehensive funding in perpetuity to fund engagement with the whole New Zealand constituency because the whole of NZ (plus offshore super yachts) are users of the Fiordland Marine area. This funding will need a constant monetary boost as more pests spread into other NZ Ports and the number of 'Boaties' travelling into Fiordland increase. This will increase the risk substantially in the years to come.</p> <p>This engagement with the boating public through multiple means is the most important way of getting public 'buy in' in blocking the pathway of exotic marine pests into the Fiordland Marine Area. A detailed funding budget needs to be drawn up with long term increasing funding guaranteed. This Plan needs to protect the Fiordland Marine Area in perpetuity.</p> | A detailed funding budget needs to be included as part of the Plan.   |
| <b>Compliance and enforcement</b>        |  |  |   |
| 3/5, 4/5                                 | Manapouri Doubtful Sound User Group, Real Journeys Ltd | Another concern we have regarding the proposed Fiordland Marine Pathway Management Plan is the cost of compliance. We contend that such costs should not be solely carried by local operators such as the entities who hold Coastal Permits for their operation in the Fiordland Coastal Marine Area, when the spread of pest species is a national issue. Specifically, it is vessels which travel from outside Fiordland into the area which pose the greatest risk not local vessels accordingly local vessels should not bear these compliance costs.  | Local vessels should not bear compliance costs to protect the FMA when it is the vessels which travel from outside Fiordland that pose the greatest threat. |
| 3/6, 4/6                                 | Manapouri Doubtful Sound User Group, Real Journeys Ltd | In particular we are concerned that there does not appear to be enough resources being allocated to allow for the speedy inspection and removal of unwanted organisms from vessels wanting to enter the Fiordland Marine Area from ports north and south of Fiordland or for enforcement officers to maintain a presence in the Fiords.  | No specific decision requested.   |
| 8/2                                      | Ministry for Primary Industries                        | It is imperative that implementation of the plan is supported by an effective compliance regime.   | No specific decision requested.   |
| <b>Powers to implement the Plan</b>      |  |  |   |
| 8/3                                      | Ministry for Primary Industries                        | Page 24 has a table with powers to be exercised under Part 6 (as required by s90(2)(f) of the Act - although the relevant offence provisions are not required to be set out, the plan should state the correct act reference.  | The Ministry recommends the plan refer to s154N rather than s154.   |
| <b>Ability to fund the proposed Plan</b> |  |  |   |
| 2/5                                      | Southland Conservation Board                           | The Board considers that there has not been enough thought given to procurement of funds in perpetuity to fully implement the Plan with enforcement officers maintaining a presence in the Fiords.   | Funding in perpetuity needs to be secured.  |

| Sub. number                               | Submitter  | Summary of Submission  | Decision requested   |
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| 3/7, 4/7                                  | Manapouri Doubtful Sound User Group, Real Journeys Ltd | Moreover this engagement will need to continue in perpetuity because as more pests spread into New Zealand's Ports and the number of vessel travelling into Fiordland continues to increase, the risks of incursion are increasing correspondingly. Hence we believe such engagement and education process will only work if the Fiordland Marine Pathway Management Plan is adequately resourced in perpetuity and we are concerned that there does not appear to be the case.  | Engagement needs to continue in perpetuity, and education and engagement with the Fiordland Marine Pathway Management Plan needs to be adequately resourced. |
| 4/8                                       | Real Journeys Ltd                                      | It will be important for Government Agencies to ensure they secure on-going funding in their budgets to continue to promote and create awareness of the need for vessels to be inspected prior to entering Fiordland and also that people notify agencies of any non-compliance or the presence of invasive species. The success of keeping the Fiordland waterways clean and clear of noxious species will depend on on-going education and public awareness.<br><br>Further we contend that enforcement of the Fiordland Marine Pathway Management Plan needs to be properly funded by all appropriate government agencies not just Environment Southland. | Enforcement of the Fiordland Marine Pathway Management Plan needs to be properly funded by all appropriate government agencies.                              |
| 6/4                                       | Alan F Mark  | While the estimated cost of implementation of this plan are not insignificant, its planned sharing among the agencies is logical and I am confident it will have a positive benefit/cost based on experience with the Undaria challenge.   | No specific decision requested.  |
| <b>Duration of the Plan</b>               |  |  |  |
| 8/4                                       | Ministry for Primary Industries                        | Page 32: paragraph 14.1 says that the plan is to be reviewed after five years, but as far as can be seen there is no statement about the duration of the plan. This is required by s90(2)(q) of the Act and also is needed for NPD section 4(2)(e)(iii) which requires the proposed plan to say the period within which the outcome will be achieved.  | Request the duration of the plan be stated as required by s90(2)(q) of the Biosecurity Act.  |
| <b>Minor wording amendments requested</b> |  |  |  |
| 8/5                                       | Ministry for Primary Industries                        | Out-of-water-cleaning.   | Recommend adding to the Plan that haul-out is a preferred cleaning technique for visiting vessels (e.g. those coming from outside Southland waters).         |

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| 8/6         | Ministry for Primary Industries | Vessels that have been present in Fiordland for long periods of time often contain a light slime layer/brown fuzz may still be considered high risk. Vessels in this state are highly likely to acquire marine pests such as Undaria if they lay up beside an infected vessel or wharf pile e.g. in Bluff harbour or Stewart Island. | State in the plan that operators of vessels that spend time in Fiordland or in areas of freshwater remain vigilant when taking their vessel back to the FMA if it has been moored in areas known to harbour marine pests. |
| 8/7         | Ministry for Primary Industries | Terminology should be consistent with the Craft Risk Management Standard to avoid confusion for international and domestic users of the plan.  | Refer to a “clean hull standard” rather than a “clean vessel standard”.   |
| 8/8         | Ministry for Primary Industries | Ballast water is excluded from the Plan as discharging ballast water is a prohibited activity in the Fiordland Marine Area.  | Make it clear, in the context section of the Plan, that ballast water is excluded from this plan because it is a prohibited activity in the FMA.  |